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7590 Conley Rose, P.C. P.O. Box 684908 Austin, TX 78768-4908		07/31/2007	EXAMINER RUTTEN, JAMES D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/655,326	WALDREP, TROY S.	

Examiner  
J. Derek Ruttan

Art Unit  
2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 May 2007.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27,29-37 and 39-44 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-27,29-37 and 39-44 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

1. This action is in response to Applicant's submission filed 5/29/07, responding to the 12/29/06 Office action which detailed the rejection of claims 1-42. Claims 1-9, 11-25, 27, 29-36, 39, and 42 have been amended, claims 28 and 38 have been canceled, and new claims 43 and 44 have been added. Claims 1-27, 29-37 and 39-44 remain pending in the application and have been fully considered by the examiner.

### *Response to Amendments/Arguments*

2. The objections to the specification and claims are withdrawn in view of the 5/29/07 amendments.

3. At the bottom of page 13, filed 5/29/07, Applicants convincingly argue that the storage medium is employed through technology as described in the amended paragraph on page 9 of the specification. Applicants further argue (e.g. see the top of page 15) that the amendments have overcome the rejections of claims 1-15 under 35 U.S.C. 101. These arguments are persuasive and the rejection of claims 1-15 is withdrawn. Also, amendments to claims 25 and 36 appear to resolve 101 issues with claims 25-38 and 40-42. The rejections of claims 25-38 and 40-42 are withdrawn.

However, the amendments have not addressed issues with claims 16-24. In the third paragraph on page 14, Applicants argue"

It is noted that the processor-executable **program instructions are tangible results** of using the program components. More specifically, the **program components are used** to produce real and definite program instructions. It is asserted that **functionality of the program instructions** to produce such program instructions in claims 1-24 fulfills the requirement to produce a useful, concrete and tangible result for a 35 U.S.C. § 101 judicial exception. [emphasis added]

This argument raises the question of whether or not the *program components* themselves are functional or nonfunctional descriptive material. It appears that the functionality is provided by the “program instructions” and not the program components. For example, the program components could be interpreted as textual program source code directives which are used by a developer to write and compile functional programs. As such, the program components can be interpreted as nonfunctional descriptive material. These rejections are maintained as detailed in the rejections below.

4. The rejection of claims 36-38 under 35 U.S.C. 112, second paragraph is withdrawn in light of the amendment to claim 36.

5. Applicant's arguments filed 5/29/07 have been fully considered but they are not persuasive.

On pages 16-21, Applicant argues against the rejection of claims 1-7, 10, 13, 14, 16, 17, 20, 24-26, 28-36, and 39-42 under 35 U.S.C. 102(b) over USPN 6,209,007 to Kelley et al. (hereinafter “Kelly”), and the rejection of claims 21-23 under 35 U.S.C. 102(a) over US-PGPUB 20020143821 by Jakubowski (hereinafter “Jakubowski”).

In response to applicant's argument with respect to claims 1, 16, and 21, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “facilitating the processes ... through software development kits” – see top of page 17 filed 5/29/07) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

At the bottom of page 17, Applicant argues with respect to claims 25 and 36, that Kelly does not disclose executing code on a website to retrieve information of interest. However, Applicant is directed to column 5 lines 2-6, e.g. "general text that are produced by Java code." This refers to embedded code that is executed in order to produce displayed text. Further cited passages (e.g. Fig. 5 element 350 and column 7 lines 23-25) refer to this common execution model of embedded code within a web page. Therefore, Applicant's argument is not persuasive.

In response to applicant's argument with respect to claim 2, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "searching websites with if, then and looping directives" – see bottom of page 18, filed 5/29/07) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument with respect to claim 3, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "parameters to avoid or overcome obstacles which may be encountered along a navigational route" – see bottom of page 18, filed 5/29/07) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments with respect to claim 4 (see top of page 19) have been considered but are moot in view of the new ground of rejection.

In the middle of page 19, with respect to the rejection of claim 10, Applicant argues that Kelley does not disclose “execution of the codes.” As mentioned above, Applicant is directed to Kelley column 5 lines 2-6, e.g. “general text that are produced by Java code.” Thus, Applicant’s argument is not persuasive. Applicant further argues that Kelley does not disclose interpreting different scripting languages. However, the plain language of the claim merely calls for a “means for interpreting different scripting languages.” This is disclosed by Kelley at column 6 line 52, e.g. “other language code.” Thus, Applicant’s argument is not persuasive.

At the top of page 20, Applicant argues with respect to claim 13, that Javascript code is configured to be displayed on web browsers, and cannot meet the claim limitations. However, Javascript code is merely embedded in a web page, and is not designed to be displayed. Therefore, Applicant’s argument is not persuasive.

In response to applicant's argument with respect to claims 14, 32, and 39, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “HTTP POST request” – see middle of page 20, filed 5/29/07) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments with respect to claim 17 (see page 20) have been considered but are moot in view of the new ground of rejection.

At the top of page 21, with respect to claim 22, Applicant argues that Jakubowski does not teach using XPath to query for information. However, Jakubowski paragraph [0023] recites:

For example, the location of a particular piece of content may be identified within a template by one or more site mining expressions. These site mining expressions are typically utilized by the

stylesheet to locate the content to be retrieved and **may include, for example, an XPath or Document Object Model (DOM) expression.** [emphasis added]

Here, XPath is used in terms of an expression which is used to search for “information of interest.” Therefore, Applicant’s argument is not persuasive.

At the top of page 21, with respect to claim 30, Applicant argues that column 3 lines 18-29 does not disclose a database of extracted content. However, this citation is used in connection with column 6 lines 63-64, which discloses the storage of extracted content. The citation at column 3 lines 18-29 more clearly describes Kelley’s use of database technology. However, reasonable broad interpretation of a “database” allows at least the “personal storage” of column 6 lines 63-64 to read on the claim.

At the bottom of page 21, with respect to claim 31, Applicant argues that Kelley only handles one search request, and does not simultaneously handle multiple requests. However, review of column 6 lines 31-33 shows that the search form handles “items to be searched.” Here, the plural “items” is interpreted as providing the “multiple requests.”

At the top of page 23, with respect to claim 12, Applicant argues that prior art of record Peskin does not teach parsing and extracting information from a web page with a scripting language. However, Peskin is not relied upon to teach parsing and extracting. Instead, Kelley teaches such limitations in claim 1. Peskin is relied upon to teach that scripting languages can be selected. As such, Applicant’s argument is not persuasive.

In response to applicant’s argument with respect to claim 18, that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., “modifying the arrangement of web content into a comprehensible and standard

format” – see middle of page 23, filed 5/29/07) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Reasonable broad interpretation of the plain language of the claims allows Lewak to read on the claim.

At the bottom of page 23, with respect to claim 27, Applicant argues that Doyle does not teach executing code on a “browser level” website. However, Doyle explicitly states that a script interpreter extension mimics a browser side interface. Therefore, Applicant’s argument is not persuasive.

In response to applicant's argument with respect to claim 37, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “modifying the arrangement of web content” – see top of page 24, filed 5/29/07) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

#### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 16-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

8. Claims 16-20 are directed to a “storage medium comprising coding directives.” These coding directives are claimed as being “utilizable by a developer for writing program instructions that are executable by a processor.” However, these directives do not appear to be executable and are thus interpreted as being directed to nonfunctional descriptive subject matter. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8. In contrast, a claimed computer-readable medium encoded with functional descriptive material, e.g. a data structure, defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

9. Claims 21-24 are rejected for the same reasons as those presented above in the rejection of claims 16-20.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3, 5-7, 10, 13, 14, 16, 20, 25, 26, 29-36, and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,209,007 to Kelley et al. (hereinafter "Kelley").

In regard to claim 1, Kelley discloses:

*A storage medium comprising program components which are executable through a common application program interface* (see column 4 lines 58-65, e.g. "instructions...may be stored in...media"), *wherein the program components comprise: a first program component having coding directives which are utilizable by a developer to write programming instructions that are executable by a processor for adaptively navigating through one or more websites;* See Fig. 3, element 102, e.g. "Identify Levels." Also see column 6 lines 46-48:

When a web page presents another web page when an item is selected from the first web page, this represents one level in the web page hierarchy.

Also See column 6 lines 32-35:

Present an input form to the user where can identify the items to be searched that will appear on the new web page subset. The user is able to specify a complete Boolean search that will search all lines in the HTML source file and return those lines in a temporary file for examination by the user.

Note that the user, (i.e. developer) writes instructions which are presented against the coding directives inherently present in Kelley's system. If there were no components with "coding directives," the system would be unable to interpret or execute the user's instructions.

*and*

*one or more additional program components having coding directives which are utilizable by a developer to write programming instructions that are executable by a processor for extracting scripted content from the one or more websites. See Fig. 5, element 340, e.g. "Extract Javascript Code."* As noted above, "coding directives" are inherently present in order for the user directed extraction to occur.

*storing the extracted scripted content at a target location. See column 6 lines 63-64, e.g. "Store the new web page."*

In regard to claim 2, the above rejection of claim 1 is incorporated. Kelley further discloses: *wherein the coding directives of the first program component are utilizable by a developer to write program instructions that are executable by a processor for conditionally navigating through the one or more websites. See column 6 lines 32-35, e.g. "Boolean search."*

In regard to claim 3, the above rejection of claim 1 is incorporated. Kelley further discloses: *wherein the coding directives of the first program component are utilizable by a developer to write program instructions executable by a processor for facilitating navigation through the one or more websites. See column 6 lines 44-48, e.g. "Identify the levels."*

In regard to claim 5, the above rejection of claim 1 is incorporated. Kelley further discloses: *wherein the coding directives of the one or more additional program components are further utilizable by a developer to write program instructions that are executable by a processor for extracting unscripted content from the one or more websites.* See column 6 lines 32-35, e.g. "HTML source file."

In regard to claim 6, the above rejection of claim 5 is incorporated. Kelley further discloses: *wherein the coding directives of the one or more additional program components are further utilizable by a developer to write program instructions that are executable by a processor for standardizing the scripted and unscripted content.* See column 6 lines 32-35, e.g. "return those lines."

In regard to claim 7, the above rejection of claim 5 is incorporated. Kelley further discloses: *wherein the coding directives of the one or more additional program components are further utilizable by a developer to write program instructions that are executable by a processor for generating a model of logical structure of the scripted and unscripted content.* See Fig. 2, e.g. "Customized Web Page."

In regard to claim 10, the above rejection of claim 1 is incorporated. Kelley further discloses: *further comprising a means for interpreting different scripting languages.* See column 6 line 52, e.g. "other language code."

In regard to claim 13, the above rejection of claim 1 is incorporated. Kelley further discloses: *wherein the coding directives of the first program component are utilizable by a developer to write program instructions that are executable by a processor for accessing data other than what may be configured to be displayed on a browser as characterized by a structural layout of an accessed website.* See column 4 lines 2-7, e.g. "javascript."

In regard to claim 14, the above rejection of claim 1 is incorporated. Kelley further discloses: *the coding directives of the one or more program components are further utilizable by a developer to write program instructions that are executable by a processor for posting data on the one or more websites.* See column 6 lines 63-64, e.g. "Store the new web page."

In regard to claim 16, Kelley discloses:

*A storage medium (see column 4 lines 58-65, e.g. "media") comprising coding directives which are utilizable by a developer for writing program instructions that are executable by a processor with which to standardize content on a web page.* See column 6 lines 32-35:

The user is able to specify a complete Boolean search that will search all lines in the HTML source file and return those lines in a temporary file for examination by the user. Boolean directives are utilizable by a developer to produce a file according to the standards specified by the directives.

In regard to claim 20, the above rejection of claim 16 is incorporated. Kelley further discloses: *further comprising another set of program instructions utilizable by the developer for writing program instructions that are executable by a processor with which to automatically navigate through the web page.* See column 6 lines 32-35.

In regard to claim 25, Kelley discloses:

*A storage medium comprising program instructions executable using a processor* (see column 4 lines 58-65, e.g. “instructions...may be stored in...media”) *for:*  
*navigating through a website to access information;* See Fig. 5 element 300.  
*parsing the accessed information into a model of logical structure;* See column 6 line 54, e.g. “Identify source HTML tags.” Note that this requires parsing in order to determine whether or not there is a tag. Further, HTML defines the model. Identification of tags proceeds to identify the HTML model.

*executing a scripting language embedded within the website such that information corresponding to the scripting language can be parsed into the model of logical structure;* See Fig. 5, element 350, e.g. “Build New Code.” Also column 7 lines 23-25.

Note that javascript is “executed” *such that* new code is built, parsed, and searched.

*searching for content within the model of logical structure.* See column 7 lines 49-52, e.g. “search.”

*extracting, independent of user intervention, the searched content from the one or more websites; and* See column 6 line 59, e.g. “results.” Note that the presence of results indicates the occurrence of extraction.

*storing, independent of user intervention, the extracted content at a target location.* See column 6 lines 63-64, e.g. "Store the new web page."

In regard to claim 26, the above rejection of claim 25 is incorporated. Kelley further discloses: *wherein the program instructions are further for accessing the website without a user interface.* See Fig. 3 and column 6 lines 49-52. Website is accessed, searched, and results saved without depending upon a user interface.

In regard to claim 29, the above rejection of claim 25 is incorporated. Kelley further discloses: *wherein the target location is a text file.* See column 6 line 63. Note that web pages are stored as html files, which are required to be text files.

In regard to claim 30, the above rejection of claim 25 is incorporated. Kelley further discloses: *wherein the target location is a database.* See column 3 lines 18-29.

In regard to claim 31, the above rejection of claim 25 is incorporated. Kelley further discloses: *wherein the program instructions are further for simultaneously processing multiple requests to extract content from one or more web pages.* See column 6 lines 30-32, e.g. "items."

In regard to claim 32, the above rejection of claim 25 is incorporated. Kelley further discloses: *wherein the program instructions are further for posting data upon the*

*website.* See Fig. 2. Note that display of the customized web page by web browser 30 requires the data to be “posted” on a website, otherwise the browser would not be able to access the data:

In regard to claim 33, the above rejection of claim 25 is incorporated. Kelley further discloses: *wherein the program instructions are further for monitoring the status of the accessed information on the website.* See column 2 lines 38-42.

In regard to claim 34, the above rejection of claim 33 is incorporated. Kelley further discloses: *wherein the program instructions are further for sending an alert upon detecting a change in the status of the accessed information.* See column 9 lines 30-31.

In regard to claim 35, the above rejection of claim 33 is incorporated. Kelley further discloses: *wherein the program instructions are further for automatically inducing the program instructions for partitioning, querying and automatically extracting upon detecting a change in the status of the contents on the one or more websites.* See column 9 lines 4-5.

In regard to claim 36, Kelley discloses:

*A computer-implemented method for obtaining a collection of information from one or more websites (See Figs. 3-8), comprising:*

*accessing the one or more websites; see column 6 lines 44-48, e.g. "web page hierarchy."*

*partitioning contents on the one or more websites into a model of logical structure; see column 6 lines 30-32, e.g. "identify the items to be searched."*

*executing a script embedded within the one or more websites such that information corresponding to the script can be parsed into the model of logical structure; See column 5 lines 2-6, "general text that are produced by Java code or other language code." Also see column 6 line 51, e.g. "javascript."*

*querying the model of logical structure for information of interest; see column 6 lines 49-52, e.g. "search"*

*automatically extracting, independent of user intervention, the information of interest from the one or more websites; and automatically storing, independent of user intervention, the extracted information of interest to a target location. See column 6 lines 63-64, e.g. "Store the new web page."*

In regard to claim 39, the above rejection of claim 36 is incorporated. Kelly further discloses: *posting data upon a website in response to the step of extracting the information of interest from the one or more websites. See Fig. 2. The customized web page is extracted from multiple sources, posted, and then accessed by web browser 30.*

In regard to claims 40-42, the above rejection of claim 36 is incorporated. All further limitations have been addressed in the above rejection of claims 33-35, respectively.

12. Claims 21-24 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0143821 by Jakubowski (hereinafter "Jakubowski").

In regard to claim 21, Jakubowski discloses:

*A storage medium (See page 7 paragraph [0049], e.g. "memory") comprising a first set of coding directives utilizable by a developer to write programming instructions that are executable by a processor which reference XPath query language. See page 2 paragraph [0023], e.g. "XPath."*

In regard to claim 22, the above rejection of claim 21 is incorporated. Jakubowski further discloses: *a second set of coding directives utilizable by the developer to write programming instructions that are executable by a processor for generating a model of logical structure of content from one or more websites, See paragraph [0023], e.g. "template." wherein the first set of coding directives is utilizable by the developer to write programming instructions that are executable by a processor for searching for information of interest within the model of logical structure using the XPath query language. See paragraph [0023].*

In regard to claim 23, the above rejection of claim 22 is incorporated. Jakubowski further discloses: *wherein the second set of coding directives are further utilizable by the developer to write programming instructions that are executable by a processor for standardizing content on the one or more websites.* See paragraph [0023], e.g. “template.”

In regard to claim 24, the above rejection of claim 22 is incorporated. Jakubowski further discloses: *a third set of coding directives utilizable by the developer to write programming instructions that are executable by a processor for navigating through the one or more websites.* See paragraph [0023], e.g. “site mining expressions.”

#### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley as applied to claim 1 above, and further in view of U.S. Patent Application Publication US 2004/0143567 A1 by Gross et al. (hereinafter “Gross”).

In regard to claim 4, the above rejection of claim 3 is incorporated. Kelley further discloses: *wherein the coding directives of the first program component are utilizable by the developer to selectively write the program instructions associated with facilitated navigation* See column 6 lines 44-48, e.g. “Identify the levels.” Kelley does not expressly disclose: *for specific timeframes*. However, Gross teaches that specific timeframes regarding webpages may be searched. See paragraph [0013], e.g. “date.”. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Gross’ teaching of searching with Kelley’s navigation in order to provide efficient searching as suggested by Gross (see paragraph [0030]).

15. Claims 8, 9, 11, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley as applied to claims 1, 7, 10, and 16 above, and further in view of U.S. Patent No. 7,047,318 to Svedloff (hereinafter “Svedloff”).

In regard to claim 8, the above rejection of claim 7 is incorporated. Kelley does not expressly disclose: *wherein the coding directives of the one or more additional program components which are further utilizable by a developer to write program instructions that are executable by a processor for searching for information within the model of logical structure*. However, Svedloff teaches that program instructions can be used to search for information within a model of logical structure. See column 8 lines 2-7, e.g. “DOM.” It would have been obvious to one of ordinary skill at the time the invention was made, to use Svedloff’s model search with Kelley’s program component in

order to provide desired dynamic content in a web page (see Svedloff column 8 lines 6-7).

In regard to claim 9, the above rejection of claim 8 is incorporated. Kelley does not expressly disclose: *wherein the coding directives of the one or more additional program components are further utilizable by a developer to write program instructions that are executable by a processor which index web page content to increase the rate at which information is searched for within the model of logical structure.* However, Svedloff teaches using a table to store data. See column 9 lines 3-5, e.g. "table." It would have been obvious to one of ordinary skill at the time the invention was made, to use Svedloff's table with Kelley's program component in order to provide quick reference to the model (see Svedloff column 9 line 5).

In regard to claim 11, the above rejection of claim 10 is incorporated. Kelley further discloses: *wherein the coding directives of the first program component are further utilizable by a developer to write program instructions that are executable by a processor for: recognizing a scripting language embedded within the one or more websites;* See Fig. 5, element 360. Kelley does not expressly disclose: *executing the embedded scripting language using said means.* However, Svedloff teaches executing a scripting language. See column 3 lines 20-21. It would have been obvious to one of ordinary skill at the time the invention was made, to use Svedloff's teaching of execution

with Kelley's scripting language in order to manipulate requested content (see Svedloff column 3 lines 24-29).

In regard to claim 15, the above rejection of claim 1 is incorporated. Kelley does not expressly disclose: *wherein the coding directives of the first program component and the one or more additional program components are utilizable by a developer to write event driven program instructions.* However, Svedloff teaches using Java Server Pages for interactive web pages. See column 2 lines 21-23. It would have been obvious to one of ordinary skill at the time the invention was made, to use Svedloff's teaching of Java Server Pages with Kelley's components in order to provide interactive services.

In regard to claim 19, the above rejection of claim 16 is incorporated. All further limitations have been addressed by the above rejection of claim 8.

16. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley as applied to claim 10 above, and further in view of U.S. Patent No. 6,976,216 to Peskin et al. (hereinafter "Peskin").

In regard to claim 12, the above rejection of claim 10 is incorporated. Kelley does not expressly disclose: *wherein the means for interpreting different scripting languages is configured to allow a developer to select a scripting language from a plurality of scripting languages with which to develop the program instructions.*

However, Peskin teaches that web browsers/operating system are configured to allow a developer to select a scripting language. See column 5 lines 32-38. It would have been obvious to one of ordinary skill at the time the invention was made, to use Peskin's teaching of web browsers/operating systems with Kelley's scripting languages in order to accommodate languages that are often used (See Peskin column 5 lines 32-33).

17. Claims 17, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley as applied to claim 1 above, and further in view of prior art of record "Effective Web data extraction with standard XML technologies" by Myllymaki (hereinafter "Myllymaki").

In regard to claim 17, the above rejection of claim 16 is incorporated. Kelley further discloses: *wherein the coding directives are utilizable by the developer for writing program instructions that are executable by a processor with which to convert web content of non-standardized format on the web page.* See column 6 lines 32-35, e.g. "return those lines." Kelley does not expressly disclose: *into extensible markup language format.* However, Myllymaki teaches conversion to XML. See section 3.2 on page 638. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Myllymaki's XML conversion with Kelley's web content in order to help in subsequent data extraction as suggested by Myllymaki.

In regard to claim 43, the above rejection of claim 1 is incorporated. Kelley does not expressly disclose: *wherein the coding directives of the first program component are*

*utilizable by a developer to write program instructions that are executable by a processor for filling out forms within the one or more websites to further navigate through the one or more websites.* However, Myllymaki teaches filling out forms for navigation. See section 3.1 on page 637, e.g. “deep web.” It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Myllymaki’s teaching of the “deep web” navigation with Kelley’s extraction in order to extract data from the World Wide Web as suggested by Myllymaki (see Introduction on page 635).

In regard to claim 44, the above rejection of claim 1 is incorporated. Kelley does not expressly disclose: *wherein the coding directives of the first program component are utilizable by a developer to write program instructions that are executable by a processor for selecting links within the one or more websites to further navigate through the one or more websites.* However, Myllymaki teaches that links can be used for navigating during content extraction. See section 3.1 on page 637. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Myllymaki’s teaching of filling out forms for the purpose of navigation with Kelley’s extraction in order to extract data from the World Wide Web as suggested by Myllymaki (see Introduction on page 635).

18. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley as applied to claim 16 above, and further in view of U.S. Patent No. 6,681,217 to Lewak (hereinafter “Lewak”).

In regard to claim 18, the above rejection of claim 16 is incorporated. Kelley teaches using a Boolean search to search for content (see Kelley column 6 lines 32-35). Kelley does not expressly disclose: *wherein the coding directives are utilizable by the developer for writing program instructions that are executable by a processor with which to standardize spaces within the web page content.* However, Lewak teaches using a Boolean search with regular expressions to search for spaces (see column 8 lines 54-55). It would have been obvious to one of ordinary skill at the time the invention was made, to use Lewak's teaching of spaces with Kelley's Boolean search in order to provide powerful searching (see Lewak column 2 lines 34-36).

19. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley as applied to claim 26 above, and further in view of U.S. Patent No. 6857124 to Doyle (hereinafter "Doyle").

In regard to claim 27, the above rejection of claim 26 is incorporated. Kelley discloses a client accessing a website. Kelley does not expressly disclose: *wherein the program instructions are further for mimicking a browser authorized to access the website, and wherein the program instructions for executing the scripting language comprise program instructions for executing the scripting language at a browser level of the website.* However, Doyle teaches that an API can be used to mimic a browser. See description under Fig. 1. It would have been obvious to one of ordinary skill at the time the invention was made, to use Doyle's teaching of browser mimicry with Kelley's client

in order to allow plug-ins to be used by script-based applications (see Doyle column 3 lines 38-40).

20. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley as applied to claim 36 above, and further in view of Jakubowski.

In regard to claim 37, the above rejection of claim 36 is incorporated. Kelley does not expressly disclose: *standardizing the contents on the one or more websites into a standard format prior to the step of partitioning*. However, Jakubowski teaches standardizing the content. See paragraph [0023], e.g. “template.” It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Jakubowski’s teaching of templates with Kelley’s search specification so a search may be customized according to the needs and limitations of a particular device and/or user (See Jakubowski paragraph [0008].

### ***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Derek Rutten whose telephone number is (571)272-3703. The examiner can normally be reached on T-F 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jdr

  
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